THE CITY OF SAN DIEGO, CALIFORNIA MINUTES FOR REGULAR COUNCIL MEETING

OF

TUESDAY, AUGUST 4, 1992 AT 9:00 A.M. IN THE COUNCIL CHAMBERS - 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Mayor O'Connor at 10:34 a.m. The meeting was recessed by Mayor O'Connor at 11:51 a.m. to reconvene at 2:00 p.m.

The meeting was reconvened by Mayor O'Connor at 3:10 p.m. Chair Person Wolfsheimer adjourned the meeting at 4:53 p.m.

ATTENDANCE DURING THE MEETING:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-present
- (4) Council Member Stevens-present
- (5) Council Member Behr-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-excused by R-280608 (no reason given)
- (8) Council Member Filner-present
 Clerk-Abdelnour/Fishkin (rb/ll)

FILE LOCATION: MINUTES

ITEM-300: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor O'Connor-present
- (1) Council Member Wolfsheimer-present
- (2) Council Member Roberts-present
- (3) Council Member Hartley-not present
- (4) Council Member Stevens-present

- (5) Council Member Behr-present
- (6) Council Member Stallings-present
- (7) Council Member McCarty-not present
- (8) Council Member Filner-present

PUBLIC COMMENT:

ITEM-PC-3: REFERRED TO THE CITY MANAGER

> Comments by H. DeSouza regarding movement of homeless persons' belongings.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A030-060.)

TTEM-PC-4: REFERRED TO THE CITY CLERK

> Comments by Don Stillwell regarding honesty pertaining to the Housing Authority agenda and Council attendance.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Tape location: A061-090.)

COUNCIL COMMENT:

None.

ITEM-51: (O-93-2 Cor. Copy) ADOPTED AS ORDINANCE O-17814 (New Series)

> Amending San Diego Municipal Code Chapter X, Article 1, Division 5, Section 101.0510.C.3.o, to amend the Conditional Use Permit (CUP) to permit correctional placement centers in any zone except residential, neighborhood commercial, A-1 areas and the Beach Impact Area (BIA) of the Coastal Zone, or in the Future Urbanizing area. (Introduced on 7/21/92. Council voted 7-0. Districts 5 and 6 not present.)

FILE LOCATION: MEET COUNCIL ACTION: (Tape location: A091-141.)

MOTION BY WOLFSHEIMER TO DISPENSE WITH THE READING AND ADOPT. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-107: (R-93-158) ADOPTED AS RESOLUTION R-280476

Establishing the Clean Water Program Oversight Committee, consisting of 10 members, to provide Council with an independent appraisal of the Clean Water Program, in accordance with San Diego City Charter Section 43(b); appointing the following persons as members of the Clean Water Program Oversight Committee:

Linda Brannon
Rosalie Bregante
Brian Cochran
David Gomez
Ralph B. Grahl
Deborah L. Huffman
Frederick M. Marks
Barry I. Newman
Dennis L. Russell
Mia J. Tegner

Declaring that from these members the group shall elect a Chair and Vice Chair and may establish procedural rules to facilitate their function; designating the Public Facilities and Recreation Committee Consultant as staff to the Clean Water Program Oversight Committee.

CITY MANAGER SUPPORTING INFORMATION: In October 1991, the Council requested a review of the Clean Water Program by a Special Committee consisting of the Executive Committee of the Metropolitan Sewer Task Force and the Chair of the Clean Water Program Governance Advisory Group. This review was completed in late November 1991, and contained several recommendations, among which is the creation of an oversight committee to provide Council with an independent appraisal of the Clean Water Program's direction and progress. It is recommended that the Oversight Committee be a small executive group with the specific task of reviewing policy issues and program direction. Oversight Committee would initially receive several intensive briefings on the Clean Water Program and then meet on a monthly basis to review strategic and long-range issues facing the program. The Oversight Committee would consist of ten

individuals whose backgrounds and areas of interest would enable them to give sound advice on large-scale public projects. The ten nominees include: Ralph B. Grahl, Barry I. Newman, Mia J. Tegner, Dennis L. Russell, Frederick M. Marks, Linda Brannon, Brian Cochran, Rosalie Bregante, Deborah L. Huffman, and David Gomez. All nominees have been briefed on the Clean Water Program and have expressed a willingness to serve. Staffing for the Oversight Committee would be provided by the Public Facilities and Recreation Committee Consultant. This would enable the consultant to attend all Oversight Committee meetings and serve as a liaison to the Council.

WU-CWP-93-003.

FILE LOCATION: WATER - Clean Water Program Oversight

Committee

COUNCIL ACTION: (Tape location: A144-207.)

MOTION BY BEHR TO ADOPT. Second by Hartley. Passed by the following vote: Wolfsheimer-yea, Roberts-nay, Hartley-yea, Stevens-nay, Behr-yea, Stallings-yea, McCarty-not present, Filner-nay, Mayor O'Connor-yea.

ITEM-330:

Request for a Conditional Use Permit for the continued use of a property as a historic site with office uses in a residential zone. The subject property is located at 1221 - 22nd Street and is described as Lot 5 of Block 10 in Culverwell & Taggart's Addition, Map No. 249. The GH-2500 zoned site is within the Greater Golden Hill Community Plan Area. (London Building)

(CUP-91-0479. District-8.)

Subitem-A: (R-93-266) ADOPTED AS RESOLUTION R-280477

Adoption of a Resolution certifying that the information contained in Environmental Negative Declaration DEP-91-0479 has been completed in compliance with the California Environmental Quality Act of 1970 and State guidelines, and that said declaration has been reviewed and considered by the Council.

Subitem-B: (R-93-267) ADOPTED AS RESOLUTION R-280478, GRANTED PROJECT

Adoption of a Resolution granting or denying the project, with appropriate findings to support Council action.

FILE LOCATION: PERM - CUP-92-0479

COUNCIL ACTION: (Tape location: A208-213.)

Hearing began at 10:50 a.m. and halted at 10:55 a.m.

MOTION BY STALLINGS TO ADOPT. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-331: (0-92-138) INTRODUCED AS AMENDED, TO BE REINTRODUCED SEPTEMBER 22, 1992

(Continued from the meetings of May 26, 1992, Item 336, June 16, 1992, Item 334 and June 23, 1992, Item S500; last continued at Councilmember Hartley's request, to refer to the Community Planning Committee for review of the proposed changes on home occupations, and for a report including comments of the Small Business Advisory Board.)

A proposal to amend the San Diego Municipal Code by amending Chapter X, Article 1, Divisions 4 and 5 modifying certain existing sections pertaining to Home Occupations as follows:

- 1. Section 101.0406 Home Occupations in the Residential Zones
- 2. Section 101.0502 Zone Variance Or Other Permits Granted By The Zoning Administrator. These proposed amendments would provide clarification to existing regulations and an administrative process to request exceptions to the operational regulations.

The proposed amendment to the Municipal Code also constitutes an amendment to the City of San Diego's Local Coastal Program (LCP). If approved by the City Council, the proposed LCP amendment must be submitted

the California Coastal Commission for review and certification. The LCP amendment would not become effective until after approval by the California Coastal Commission.

Introduction of an Ordinance amending the Municipal Code.

FILE LOCATION:

COUNCIL ACTION: (Tape location: C056-E086.)

Hearing began 3:14 p.m. and halted 4:39 p.m.

Testimony in favor by April Boling.

Testimony in opposition by Opal Trueblood.

Motion by Hartley to Introduce ordinance and approve Staff's recommendation. Second by Wolfsheimer. Second withdrawn.

MOTION BY HARTLEY TO INTRODUCE AS AMENDED AND REINTRODUCE ON SEPTEMBER 22, 1992 WITH THE FOLLOWING AMENDMENTS: THAT THE ADMINISTRATIVE HEARING BE CONDITIONED FOR ONE YEAR AND THAT YEAR BE USED AS A PROBATIONARY YEAR FOR EACH BUSINESS; THE ZONING ADMINISTRATOR BE GIVEN THE AUTHORITY TO HEAR AN ADMINISTRATIVE HEARING FOR SOME BUSINESSES TO ALLOW THEM TO HAVE CUSTOMERS OR CLIENTS. WITH THAT ADMINISTRATIVE HEARING, IT WILL AUTOMATICALLY CARRY NOTICE TO THE NEIGHBORS AND AT ONE YEAR FOLLOW UP WITH THOSE NEIGHBORS TO ASCERTAIN THAT IF WHATEVER BUSINESS WAS APPROVED IS OPERATING CORRECTLY. FEES TO APPEAL A PERMIT BY ANY NEIGHBOR WILL BE WAIVED SHOULD THERE PROVE TO BE DISTURBANCES. DEVELOP A LIST OF SPECIFIC CRITERIA FOR THE TYPE OF BUSINESSES ALLOWED IN ANY HOME AND THE IMPLICATIONS OF SAME, I.E., TRAFFIC CONGESTION, ETC., AND HOW TO REGULATE AND ENFORCE THESE CRITERIA FOR THESE BUSINESSES. Second by Roberts. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-nay, Behr-yea, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-not present.

ITEM-332: (0-92-107) CONTINUED TO AUGUST 11, 1992

Introduction of an Ordinance relating to administrative amendments to the Marina Planned District Ordinance which will change the design review process to be consistent with the Redevelopment Agency's modified

design review process, the Centre City Planned District Ordinance and the Gaslamp Quarter Planned District Ordinance. This revised design review process will eliminate Planning Commission review of projects within the Centre City Redevelopment Project areas and establish the Executive Vice President of the Centre City Development Corporation as the decision maker for granting certain conditional use permits within the boundaries of the Marina Planned District. (District-8.)

FILE LOCATION:

COUNCIL ACTION: (Tape location: C011-031.)

MOTION BY BEHR TO CONTINUE TO AUGUST 11, 1992 TO ALLOW ADDITIONAL TIME TO HAVE SOME QUESTIONS ANSWERED. Second by Mayor O'Connor. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-not present, Behr-yea, Stallings-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-333: (R-92-2046 Cor.Copy) ADOPTED AS AMENDED AS RESOLUTION R-280480

(Continued from the meeting of July 21, 1992, Item 341, at the City Manager's request, for further review.) Matter of the approval of the "Transit-Oriented Development Design Guidelines (TOD) " and a Council Policy for Land Guidance. A major goal of the TOD Guidelines is to have more mixed-used development around selected trolley stations and bus corridors in order to reduce dependence on the automobile. A mixed-use development could include uses such as restaurants, markets, offices, apartments, condominiums, parks and child care centers. project would create a more pleasant, efficient environment for people walking, bicycling and using public transit. Council Policy 600-39 states how the TOD Guidelines would be carried out over time. It describes how demonstration projects and General Plan, community plan, Municipal Code, Street Design Manual amendments and other items would be used to further the TOD goals. Approval of the Council Policy would provide direction for future actions, but at this hearing none of these General Plan or other amendments would actually occur. (City-wide.) Adoption of a Resolution approving the Land Guidance

"Transit-Oriented Development (TOD) Design Guidelines "and the Council Policy to implement the TOD guidelines.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: E088-258.)

Hearing began 4:39 p.m. and halted 4:53 p.m.

MOTION BY WOLFSHEIMER TO ADOPT AND ACCEPT COUNCIL MEMBER BEHR'S AMENDMENT TO THE MOTION AS FOLLOWS: INCLUDE "THAT THE CITY DEVELOP STANDARDS FOR THE DEVELOPMENT OF ANCILLARY UNITS WHICH WOULD OUTLINE THE MINIMUM LOT SIZE, PARKING, AND TRANSIT ACCESS REQUIREMENTS FOR BOTH THE MINISTERIAL AND DISCRETIONARY APPROVAL OF SUCH UNITS". Second by Stallings. Passed by the following vote: Wolfsheimer-yea, Roberts-not present, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-not present.

ITEM-S500: (R-93-187) ADOPTED AS AMENDED AS RESOLUTION R-280479

Authorizing the execution of a Memorandum of Understanding with Caltrans, to define responsibilities regarding bridge, deck and freeway enhancements on State Route 15 in Mid-City.

(See City Manager Report CMR-92-247. City Heights

(Mid-City) Community Area. District-3.)

FILE LOCATION: MEET CONT FY92-1

COUNCIL ACTION: (Tape location: A215-B319.)

Motion by Filner to amend Council Member Hartley's motion to include in the MOU: 1) direction on the business district signage; 2) specific section on noise mitigation of Central Elementary School; and 3) a statement regarding concerns if the design savings come in because of new techniques, that it be reinvested in the community. No second.

MOTION BY HARTLEY TO ADOPT, SUPPORTING THE MANAGER'S SIX RECOMMENDATIONS WITH THE FOLLOWING MINOR CHANGES TO THE DRAFT MEMORANDUM OF UNDERSTANDING (MOU) AND ADDITION OF TWO REFERRALS TO THE CITY MANAGER: PARAGRAPH 5. CALTRANS WILL

DESIGN AND ADMINISTER CONTRACTS FOR ALL PROJECT FEATURES AND WILL PERIODICALLY REVIEW THE DETAILS OF ANY FEATURES THAT ARE OF SPECIAL INTEREST TO THE CITY WITH SUCH CITY STAFF MEMBERS, THE I-15 CONSTRUCTION OVERSIGHT COMMITTEE, OR OTHERS THAT THE CITY MIGHT DESIGNATE. ADD SENTENCE: MINIMUM, STRUCTURES AND ENHANCEMENTS WILL MEET THE STANDARDS ALREADY ESTABLISHED FOR THE LANDIS AND ADAMS AVENUE OVER-CROSSINGS. PARAGRAPH 13. THE STATE WILL DESIGN, ACQUIRE THE NECESSARY PROPERTY RIGHTS, INSTALL IRRIGATION AND PLANTS ALONG WALLS ON STREET SIDE AND CONSTRUCT SIDEWALKS, CUL-DE-SACS AND PARKING AREAS ON CENTRAL AVENUE, TERRACE DRIVE AND 40TH STREET AS SHOWN ON THE REVISED EXHIBIT "A" FREEWAY AGREEMENT MAP. PARAGRAPH 14. SENTENCE: THE STATE WILL ALLEVIATE AND FUND THE EFFECTS OF RAMP METERING ON LOCAL STREETS. PARAGRAPH 21. FOURTH SENTENCE: IN THE DESIGN OF UNIVERSITY AVENUE AND EL CAJON BOULEVARD OVER-CROSSINGS, STATE WILL (CONSIDER) ACCOMMODATE THE POTENTIAL FUTURE NEED OF ELEVATORS AND/OR ESCALATORS AND/OR STAIRS FOR LIGHT RAIL OR BUS TRANSIT ACCESS AND WILL ENSURE THEY ARE NOT PRECLUDED (FROM FUTURE REASONABLE CONSTRUCTION). PARAGRAPH 23. STATE WILL COORDINATE ITS LANDSCAPING AND ENHANCEMENT PLANS WITH (UNIVERSITY AVENUE,) CITY HEIGHTS AND EL CAJON BOULEVARD BUSINESS IMPROVEMENT ASSOCIATIONS AND ENSURE CONSISTENCY WITH COMMUNITY PLANS ADJACENT TO THE FREEWAY CORRIDOR. IN ADDITION, REQUEST MUNICIPAL TRANSIT DEVELOPMENT BOARD (MTDB) TO INVESTIGATE THE IMPLEMENTATION OF EXPRESS BUS SERVICE IN THE STATE ROUTE 15 MEDIAN BY THE YEAR 2000. REQUEST THE CITY MANAGER TO INVESTIGATE THE FEASIBILITY WITH SAN DIEGO ASSOCIATION OF GOVERNMENTS (SANDAG) OF PROVIDING A BIKE PATH FROM LANDIS TO ADAMS AVENUE AND REPORT BACK IN SIX MONTHS, IN COORDINATION WITH CALTRANS BIKE ACCESS STUDY OF ADAMS AVENUE TO CAMINO DEL RIO SOUTH. AS RECOMMENDED BY STAFF, ADDITIONAL CORRECTIONS TO BE REFLECTED IN THE MOU: "THAT CALTRANS AGREES TO COMPLY WITH ALL REQUIREMENTS OF THE STREETS AND HIGHWAY CODE." ALSO CHANGES TO PARAGRAPH 17 AND 21 AS DISTRIBUTED BY STAFF DURING COUNCIL. STAFF IS DIRECTED TO ADD AN ADDITIONAL PARAGRAPH TO THE MOU AS NUMBER 26 TO INCORPORATE COMMENTS AND CONCERNS THAT WERE RAISED BY INDIVIDUALS DURING PUBLIC TESTIMONY TO BE DISCUSSED WITH THE CONSTRUCTION OVERSIGHT COMMITTEE. IMPOSSIBLE CHANGES ARE TO BE INCLUDED IN THE FREEWAY AGREEMENT WHEN IT IS BROUGHT BACK TO COUNCIL AT THAT DATE. Second by Stevens. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-nay, Mayor O'Connor-yea.

ITEM-S501: ACCEPTED REPORT

(Continued from the meetings of July 21, 1992, Item S405, and July 28, 1992, Item S401; last continued at the City Manager's request, for further review.)

In the matter of local criminal justice issues.

(See City Manager Report CMR-92-219.)

COMMITTEE ACTION: Reviewed by PSS on 7/15/92. Recommendation to approve the City Manager's report and request that it be docketed as soon as possible for a discussion of a November ballot initiative. Districts 1,2,3,4 and 8 voted yea.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B320-509.)

MOTION BY ROBERTS TO ACCEPT THE REPORT. ACCEPT COUNCIL MEMBER HARTLEY'S AMENDMENT TO THE MOTION TO REQUEST THE CITY MANAGER, AS AN ONGOING PARTICIPATION WITH THIS ISSUE, DEVELOP A SPECIFIC PROPOSAL CREATED IN COORDINATION WITH THE COUNTY TO ESTABLISH A REGIONAL CRIMINAL JUSTICE COORDINATING BODY THAT COULD HELP IMPLEMENT THE RECOMMENDATIONS IN A TIMELY FASHION. ALSO TO INCLUDE RECOMMENDATIONS FROM COUNCIL MEMBER ROBERTS' MEMO OF JULY 20, 1992 TO THE CITY MANAGER WHICH HAD SOME CRITICISMS AND SUGGESTIONS. A REPORT TO PS&S COMMITTEE BY NOVEMBER, 1992. MEMBER HARTLEY TO SERVE AS LIAISON REPRESENTATIVE AND COUNCIL MEMBER STEVENS TO SERVE AS ALTERNATE REPRESENTATIVE TO THE CRIMINAL JUSTICE COUNCIL. Second by Stevens. Passed by the following vote: Wolfsheimer-not present, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-not present, Mayor O'Connor-yea.

ITEM-S502: (R-93-) CONTINUED TO SEPTEMBER 15, 1992

(Continued from the meeting of June 23, 1992, Item 333b, July 8, 1992, Item 601 and July 28, 1992, Item 204; last continued at Mayor O'Connor's request for full Council and a report from the City Manager.)

Consider amending certain currently effective water and/or sewer rate structures in response to recommendations of the Citizens' Water and Sewer Review Committee.

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NOTE: Hearing Closed. Testimony taken on 7/28/92. District 3 not present.

FILE LOCATION:

COUNCIL ACTION: (Tape location: C032-048.)

MOTION BY BEHR TO CONTINUE TO SEPTEMBER 15, 1992 TO ALLOW TIME TO REVIEW ALL AVAILABLE REPORTS. Second by Mayor O'Connor. Passed by the following vote: Wolfsheimer-nay, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-S503: (R-93-218) CONTINUED TO AUGUST 11, 1992

Determining that the use of funds from the Marina Redevelopment Project Low and Moderate Income Housing Fund toward the construction of a development, Horton Fourth Avenue, within the Horton Plaza Redevelopment Project, will be of benefit to the Marina Redevelopment Project.

See memorandum from CCDC Executive Vice President dated 7/28/92. District-2.)

FILE LOCATION:

COUNCIL ACTION: (Tape location: C011-031.)

MOTION BY BEHR TO CONTINUE TO AUGUST 11, 1992 TO ALLOW TIME TO HAVE SOME QUESTIONS ANSWERED. Second by Mayor O'Connor. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-not present, Stevens-not present, Behr-yea, Stallings-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-S504: (O-93-22) INTRODUCED AND ADOPTED AS ORDINANCE O-17815 (New Series)

> Introduction and adoption of an Ordinance amending O-17807 (New Series), as amended, entitled "An Ordinance adopting the Annual Budget for the Fiscal Year 1992-93 and Appropriating the Necessary Money to Operate the City of San Diego for the Fiscal Year", by amending Document No. 00-17807, as amended and adopted,

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by adding \$84,500 to the General Fund, Nondepartmental Expenditures Annual Audit Program, to be reimbursed by the San Diego Housing Commission.

Aud. Cert. 9300108.

FILE LOCATION: MEET

COUNCIL ACTION: (Tape location: B208-213.)

MOTION BY STALLINGS TO INTRODUCE, DISPENSE WITH THE READING AND ADOPT. Second by Stevens. Passed by the following vote: Wolfsheimer-yea, Roberts-yea, Hartley-yea, Stevens-yea, Behr-yea, Stallings-yea, McCarty-not present, Filner-yea, Mayor O'Connor-yea.

ITEM-CS-1: (R-93-205) ADOPTED AS RESOLUTION R-280483

A Resolution adopted by the City Council in Closed Session on August 4, 1992:

Authorizing the City Manager to pay the sum of \$28,518.41 in settlement of each and every claim against the City, its agents and employees, resulting from property damage sustained by Guillermina Vallejo, Eugene Carl and Bob Gonzales; authorizing the City Auditor and Comptroller to issue one check in the amount of \$28,518.41 made payable to Luth & Turley, Inc., in full settlement of all claims.

Aud. Cert. 9300095

FILE LOCATION: MEET

ITEM-CS-2: (R-93-206) ADOPTED AS RESOLUTION R-280484

A Resolution adopted by the City Council in Closed Session on August 4, 1992:

Authorizing the City Manager to pay the sum up to, but not exceeding \$63,960.13 in settlement of each and every claim against the City, its agents and employees resulting from the property damage to Lewis Colonial-Benbough Mortuary; authorizing the City Auditor and Comptroller to issue two checks, 1) up to, but not exceeding \$54,248.13 to Luth & Turley, Inc.; 2)

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\$9,712 made payable to Lewis Colonial-Benbough Mortuary, in full settlement of all claims. Aud. Cert. 9300096.

FILE LOCATION: MEET

NON-DOCKET ITEMS:

None.

ADJOURNMENT:

The meeting was adjourned by Chair Person Wolfsheimer at 4:53 p.m.

FILE LOCATION: MEET